

### **DISTINCTIONS OF THE PRESENT INVENTION OVER THE PRIOR ART**

In contrast to the combined system of Ross et al. and Hasebe et al., the present invention manages permission information on a recording media, which also includes a media number, by, for example, "devolving" the permission information from one recording medium to another recording medium or revising the permission information on a recording medium responsive to use (consumption) of content/information being protected by the permission information.

Using the recitation of claim 1 as an example, in contrast to Ross et al. and Hasebe et al. the present invention provides "a second use information, representing a second right to use the contents that is devolved from the first storage medium to the second storage medium" (emphasis added). To one skilled in the art the recitation "devolved" as defined in a dictionary means transference of rights to another and/or degeneration of rights. See Figs. 1-2; and page 16 to 18 of the present Application.

Benefits of the claimed present invention:

The present invention can provide, for example, the following benefits: (1) giving the right of using content/information one hundred times, and prohibiting use of the content beyond one hundred times;(2) permitting free use of the content/information for one hundred times by any user; and (3) giving the right of using the content/information for fifty times out of the one hundred in one computer and the right of using the content for the other fifty times in another computer.

### **PRIOR ART**

#### **Ross et al.**

The Examiner appears to assert the following:

(1) That Ross et al. discloses the distinguishing features of the present invention in Fig. 5, col. 3, line 14 to col. 4, line 15 and lines 64-67. Page 10, items 9(b) of the Action. In the previous Office Action, the Examiner relied on Fig. 7 of Ross et al. Page 3, item 6 of the Action.

(2) That recitation of "use information" is similar to recitation of "license information,"

which is used by Ross et al.

(3) That Fig. 5 implies transference of license from manufacturer to installer in product distribution process. Page 12, item A) of the Action.

(4) That Ross et al. accommodates authorized users to transfer/devolve or use the information as they wish and as many times they want. Page 11, items d) and e) and page 12, item A) of the Action.

Applicants respond as follows:

In contrast to Ross, in the present invention use right of a content can be “devolved” to another user of the content or to another copy of the content. See, for example, Fig. 7 and description thereof in the present application.

Although, Fig. 5 of Ross et al. might appear to provide transference of license information, Fig. 5 shows providing or communicating license information to another, which differs from the concept of “devolution,” providing, for example, a “second right to use” (i.e., transference of rights and/or degeneration of rights). Fig. 5 of Ross et al. does not disclose transference of rights, because some of the parties in the distribution chain (e.g., manufacturer, extracting agent, and fulfillment agent) presumably retain full use rights to distribute software to other users.

The Examiner’s comments on page 11, items d) and e) and page 12, item A) of the Action appear to argue in favor of the distinguishing features of the present invention by suggesting that Ross et al. accommodates authorized users to transfer/devolve or use the information as they wish and as many times they want. This is because in contrast to Ross et al., in the present invention once all available use information for content on a storage medium is “devolved,” the content on the storage medium cannot be used until use information is updated. However, Ross et al. does not disclose or suggest the present invention’s distinguishing “use information,” indicative of the presence or absence and the range of the right of using. In particular, in Ross et al. the installer’s use right of a content cannot be “devolved,” for example, to another user of the content or to another copy of the content. In the present invention use right of a content can be “devolved” to another user of the content or to another copy of the content.

Ross's License Information:

Ross et al. provides a system to protect "license information" during product distribution. Ross et al., Fig. 5 and col. 4, lines 16-32. Ross et al. discloses a method and apparatus for electronic license distribution. The system in Ross et al. provides the ability to distribute multiple products, product versions, product features, and licenses that are unusable prior to the execution of an enablement procedure. The system in Ross et al. requires an enabler key that is used along with an enablement software to enable a license for use (i.e., to enable the purchased products). Ross et al. discloses that after an electronic license has been created and a portion of the license encrypted, the system in Ross et al. disables the license for distribution (i.e., doubly-encrypted) using a special encryption algorithm that is applied to the encrypted portion of a license. An enabler key is created during the encryption process. The enabler key may comprise a serial number. In particular, the enabler key is stored in an enabler key database that is shipped to a fulfillment agent (e.g., an extractor or other member of the distribution chain). An installer of the product (i.e., enduser or other installer) obtains the enabler key from the fulfillment agent either electronically or via a voice operator. The installer uses the enabler key to enable the desired product licensing selection. See, Ross et al., column 3, lines 14-67 and column 4, lines 1-5.

Further, in the distribution process of Ross et al., the doubly encrypted portion of a license can again be encrypted using an extractor's password (i.e., creating a disabled license). An extractor is a reseller such as a manufacturer, original equipment manufacturer or another reseller. Disabled licenses are shipped to the extracting agent. An extractor can decrypt the extractor encryption from the license using the extractor password, which results in a disabled (i.e., doubly-encrypted) license. Disabled licenses are packaged with the products and shipped to an installer.

Although Ross et al. uses the term "license," Ross et al. is generally silent on the details of the "license." In particular, Ross et al.'s "license" is enabling information, which, for example, can be communicated by a voice operator (Ross et al., col. 3, lines 46-55; Fig. 7; col. 3, line 58 to col. 4, line 5). Fig. 7 of Ross et al. discloses a complete license 720 which may comprise incomplete license 710 and enable key 712. License 710 contains license information, which may be enabled via an associated enabling key. The license information may comprise product numbers and the number of connections (i.e., connections being related to number of network

users) (Ross et al., col. 5, lines 1-13 and lines 50-56). A desired license may be enabled such that software can be used for a number of connections. Therefore, license information in Ross et al. controls software capabilities/functionality (i.e., enabling information) and the software stored on the storage medium uses the license information to effect capabilities/functionalities (Ross et al. col. 8, lines 9-21).

**Hasebe et al.**

The following remarks are in response to the Examiner's assertion on page 2 of the Advisory Action mailed March 19, 2001. Hasebe et al. relates to preventing copying of information stored on a medium. Hasebe et al. discloses an electronic data protection system for protecting electronic data stored on a storage medium. In particular, encrypted software is stored on a software storage medium 11, the medium key 12 (i.e., medium number of the storage medium) is read therefrom, a software decrypting key is encrypted by the medium key to generate encrypted permission information 13 and the encrypted permission information 13 is stored on the software storage medium 11 (col. 5, lines 31-33 and col. 7, line 64 to col. 8, line 4).

Because, Hasebe et al. relates to preventing copying of information stored on a medium, according to Hasebe et al. only users who are formally given permission (given physical access to the medium) can have the right of using content/information on a medium. Col. 5, lines 13-16 of Hasebe et al. clarify that medium 1, including content thereof, can be transferred from one user to another user for use on many computers. However, Hasebe et al. prevents copying of the content stored on the medium 1 to another medium for use because of the permission information 13, which includes medium number (identification) 12.

In contrast to Hasebe et al., the claimed present invention has the benefit of providing secure/legal copying of content/information stored on a storage medium to another storage medium by providing that use right of a content can be "devolved" to another user of the content or to another copy of the content.

**Combination of Ross et al. and Hasebe et al.**

If one combined Ross et al. and Hasebe et al., the combined system would provide an electronic data protection system that prevents copying of content stored on a medium to another medium by using permission information that includes a medium number. Further, the

permission information would include license information of Ross et al. and the permission information would be protected during product distribution according to Ross et al..

However, the combined system would not relate to license "devolution" (transference of rights/degeneration of rights) as understood by one skilled in the art, because Ross et al. relates to protecting and distributing license information. In contrast, the present invention "devolves" license information on recording media. Ross et al. does not "devolve" the license information but only discloses communicating the license information to persons in a product distribution chain.

**CONCLUSION**

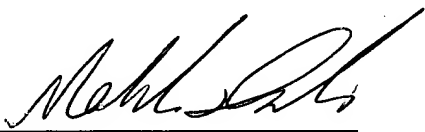
In view of the remarks herein withdrawal of the rejection of claims 1-8 and allowance of claims 1-8 is respectfully requested.

Attached hereto is recitation of all pending claims for reference convenience. The attached page is captioned "**Recitation of Pending Claims.**"

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,  
STAAS & HALSEY LLP

Date: 10/30/2001

By:   
Mehdi Sheikerz  
Registration No. 41,307

700 Eleventh Street, NW, Suite 500  
Washington, D.C. 20001  
(202) 434-1500

**RECITATION OF PENDING CLAIMS**

**IN THE CLAIMS**

Recitation of all pending claims is provided for reference convenience.

1. (AS TWICE AMENDED) A license devolution apparatus accessing a first storage medium storing contents encrypted with a predetermined key, a first media ID identifying the first storage medium, and a first encryption secure information generated by encrypting the key and a first use information, representing a right to use the contents, together with one another or individually, with the first media ID, and accessing a second storage medium storing a second media ID identifying the second storage medium, wherein the right of using the contents stored in said first storage medium is devolved from said first storage medium to said second storage medium, said license devolution apparatus comprising:

decoding means for decoding the first encryption secure information stored in said first storage medium using the first media ID to obtain the key and the first use information; and

encryption means for encrypting with the second media ID the key and a second use information, representing a second right to use the contents that is devolved from the first storage medium to the second storage medium, together with one another or individually, with the second media ID, to generate a second encryption secure information for storage in said second storage medium.

2. (AS TWICE AMENDED) A license devolution apparatus according to claim 1, wherein said encryption means encrypts with the first media ID a third use information, obtained through subtracting the second use information from the first use information, or encrypts with the first media ID both the key and a third right of using, to generate a third encryption secure information and stores the third encryption secure information in the first storage medium.

3. (AS TWICE AMENDED) A license devolution apparatus according to claim 1, wherein if the entire rights of using the contents, to which the first storage medium is entitled, are devolved to the second storage medium, the first encryption secure information stored in the first storage medium is destroyed.

4. (AS ONCE AMENDED) A license devolution apparatus according to claim 1, wherein before devolution of the right to use contents, the first storage medium stores contents whose right to use is intended to be devolved as encrypted contents, and

wherein said license devolution apparatus further comprises contents transfer means for reading the encrypted contents from the first storage medium, and storing in the second storage medium the read encrypted contents.

5. (AS TWICE AMENDED) A license devolution apparatus according to claim 2, wherein the first use information and the second use information represent the presence of the right to use, and the third use information represents the absence of the right to use.

6. (AS ONCE AMENDED) A license devolution apparatus according to claim 2, wherein the first use information represents a first available number of times or available time, the second use information represents a second available number of times or available time which is less than the first available number of times or available time, and the third use information represents a third available number of times or available time which is obtained through subtracting the second available number of times or available time from the first available number of times or available time.

7. (AS ONCE AMENDED) A license devolution apparatus according to claim 1, further comprising a first drive and a second drive driving the first storage medium and the second storage medium, respectively, said first drive and said second drive having a first firmware and second firmware accessing the first storage medium and the second storage medium, respectively,

wherein said decoding means and said encryption means are arranged in a firmware including said first firmware and said second firmware in form of a composite unit; and

wherein only said first firmware has authority to access the first storage medium driven by said first drive, and only said second firmware has authority to access the second storage medium driven by said second drive.

8. (AS ONCE AMENDED) A license devolution method, comprising  
storing in a first storage medium contents encrypted with a predetermined key, a first media ID identifying the first storage medium, and encryption secure information generated by encrypting with the first media ID, the key and a first use information, which represents a right to use the contents;

decoding the first encryption secure information using the first media ID to obtain the key and the first use information;

generating a second encryption secure information by encrypting with a second media ID, which identifies a second storage medium, the key and a second use information, which represents a second right to use the contents that is devolved from the first storage medium to the second storage medium; and

storing the second encryption secure information in said second storage medium, wherein the right to use the contents stored in the first storage medium is devolved from the first storage medium to the second storage medium.